UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,236	07/31/2003	Joshua S. Allen	RSW920030080US1	2538

7590 03/22/2007	EXAMINER	
Gerald R. Woods	WAI, ERIC CHARLES	
IBM Corporation		
T81/503	ART UNIT	PAPER NUMBER
PO Box 12195		
Research Triangle Park, NC 27709	2195	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/632,236	ALLEN, JOSHUA S.
	Examiner	Art Unit	
	Eric C. Wai	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *07/30/2003*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-17 are presented for examination.

Specification

2.   The use of the trademark "JAVA" has been noted in this application. It should be

capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

3.   Claims 2-3, 6-9, 11-12, and 15-16 are objected to because they contain the

trademark/trade name JAVA. The claim scope is uncertain since the trademark or trade

name cannot be used properly to identify any particular material or product. A

trademark or trade name is used to identify a source of goods, and not the goods

themselves. Thus, a trademark or trade name does not identify or describe the goods

associated with the trademark or trade name. In the present case, the trademark/trade

name is used to identify/describe the type of resource and, accordingly, the

identification/description is indefinite.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claim 4, 6, 8, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

      a.   The following claim terms are not clearly understood:

            i.   Claim 6 recites, "dynamically adding ... without having to restart the

web application and without losing session information". It is unclear how

the addition of resources is performed without having to restart and

without losing the session information.

      b.   The following claim terms lack antecedent basis:

            ii.   Claims 4, 8, 13, and 17 recite, "the group".

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

7.   Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

8.   Claims 10-13 are claiming a "system" but appear to be comprised of <u>software</u>

<u>alone</u> without claiming associated <u>computer hardware</u> required for execution, which is

not supported by either a specific and substantial asserted utility (i.e., transformation of

data) or a well established utility (i.e. a practical application).

9.   Claims 14-17 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The claims are directed to a signal directly or

indirectly by claiming a medium and the Specification ([0024]) recites evidence where

the computer readable medium or memory is defined as a transmission media (such as

a carrier wave). In that event, the claims are directed to a form of energy which at

present the office feels does not fall into a category of invention. The following link on

the World Wide Web is for the United States Patent And Trademark Office (USPTO)

policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.

pdf>

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admitted Prior Art (AAPA) in view of Beadle et al. (US Pat No. 6,766,373

hereinafter Beadle).

12.   Regarding claim 6, AAPA teaches a method comprising:

        dynamically adding a Java resource to at least one web application in a web

application server without having to restart the web application ([0004]).

13.   AAPA does not explicitly teach that the dynamically adding of a resource occurs

without losing session information in the web application. Beadle teaches a system that

would allow users to be switched over to other connections without losing session

information (col 2 lines 39-47).

14.   It would have been obvious to one of ordinary skill in the art, at the time of the

invention, to include dynamically adding without losing session information. It is well

known in the art that losing session information is unwanted behavior and such an

improvement would be welcomed as evidenced by Beadle (col 2 lines 45-46). One

would be motivated by the desire to be able to add resources in real-time without

disrupting end users.

15.   Regarding claim 7, AAPA teaches that the Java resource comprises a Java

ResourceBundle ([0005]).

16.   Regarding claim 8, AAPA teaches the Java resource is selected from the group consisting of a new Java resource and an updated Java resource ([0021]).

17.   Claims 1-5, and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) and Beadle et al. (US Pat No. 6,766,373), further in view of Tyrell, III (US Pat No. 7,062,527 hereinafter Tyrell).

18.   Regarding claim 9, AAPA teach the method comprising:

detecting an availability of the Java resource (wherein it is inherent that the resource must be available before it can be allocated);

receiving a request for the Java resource from the web application (wherein it is inherent that the application requests the resource either directly or indirectly); and

providing the Java resource to the web application ([0004]).

19.   AAPA does not teach the use of a resource lookup web application or the step of installing the Java resource and, once installed, advertising the Java resource to the web application.

20.   However, Tyrell teaches a server that periodically checks resource information and notifies hosts of any changes that may have occurred (col 13 lines 12-25). In the system of Tyrell, the resources are pooled together and the status is updated in a database (col 13 lines 26-31). Tyrell teaches that his system would be useful in an environment where servers are constantly starting up and shutting down.

21.   It would have been obvious to one of ordinary skill in the art at the time of the

invention to include a resource lookup application. One would be motivated by the

desire to have a centralized database for checking the status of resource availability. It

would have also have been obvious to one of ordinary skill in the art, to install and

advertise resources to web applications. One would have been motivated by the desire

to notify the applications of changing resource availability as evidenced by Tyrell.

22.   Regarding claims 1-4, they are the rejected for the same reasons as claims 6-9

above.

23.   Regarding claim 5, AAPA teaches installing the resource into the resource

lookup web application causes the resource lookup web application to lose session

information ([0004]).

24.   Regarding claims 10-17, they are the system and program product claims of

claims 6-9 above. Therefore, they are rejected for the same reasons as claims 6-9

above.

Conclusion

25.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eric C. Wai whose telephone number is 571-270-1012.

The examiner can normally be reached on Mon-Thurs, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng - Ai An can be reached on 571-272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EW

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